

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MARIE C. JOSEPH,

Plaintiff,

v.

TERENCE CARDINAL COOKE HEALTH CARE
CENTER, 1199 SEIU NEW YORK'S HEALTH &
HUMAN SERVICES UNION AND NIEVA BOLINAS,

Defendants.

Case No. 07 CV 9325 (JGK)

NOTICE OF MOTION


ECF CASE

PLEASE TAKE NOTICE that upon Plaintiff's Complaint in this action and the accompanying Memorandum of Law, Defendants Terence Cardinal Cook Health Care Center ("TCC") and Nieva Bolinas, by their undersigned attorneys BOND, SCHOENECK & KING, PLLC, shall move, at a date to be set by this Court, for an Order dismissing the Complaint pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, and for such other relief as the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE, that, pursuant to S.D.N.Y. Local Civil Rule 6.1(b), opposing papers, if any, are to be served on or before November 14, 2007, and reply papers, if any, are to be served on or before November 21, 2007.

Dated: October 31, 2007
New York, New York

BOND, SCHOENECK & KING, PLLC


By: David E. Prager (DP 4009)

330 Madison Avenue, 39th Floor
New York, NY 10017-5001
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*Attorneys for Defendants
Terence Cardinal Cooke Health Care
Center, a Member of the Catholic
Health Care System, and Nieva Bolinas*

TO: Ralph A. Accoo
2345 8th Avenue
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Attorney for Plaintiff

David Slutsky (DS-7364)
80 Eighth Avenue, 8th Floor
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Attorneys for Defendant
1199 SEIU United Healthcare Workers East

CERTIFICATE OF SERVICE

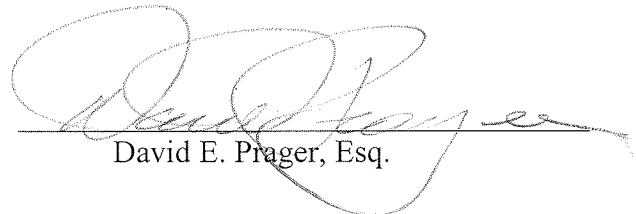
I hereby certify that I am an attorney duly admitted to practice before this court, and that on October 31, 2007, I electronically filed Terence Cardinal Cooke Health Care Center and Nieva Bolinas' **Notice of Motion to Dismiss** and **Memorandum of Law in Support of Motion to Dismiss** with the Clerk of the District Court using the CM/ECF system, which caused electronic notification of such filing to be sent to the following:

Ralph A. Accoo
2345 8th Avenue
New York, New York 10027
(212) 666-0516
Attorney for Plaintiff

and

David Slutsky (DS-7364)
Levy Ratner, P.C.
80 Eighth Avenue, 8th Floor
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(212) 627-8100
Attorneys for Defendant
1199 SEIU, National Healthcare Workers East

And, I hereby further certify that I have caused to be served via Federal Express overnight delivery service the same document to the above individuals, by depositing the above-stated documents in prepaid envelopes on October 31, 2007 for overnight hand delivery.



David E. Prager, Esq.